

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

STRIKE 3 HOLDINGS, LLC,)	
Plaintiff,)	
)	
v.)	Civil Case No. 2:23-cv-01029-CFK
)	
JOHN DOE subscriber assigned IP address)	
173.59.58.208,)	
)	
Defendant.)	
)	

**PLAINTIFF’S APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO
EFFECTUATE SERVICE ON JOHN DOE DEFENDANT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC (“Plaintiff”), makes this application for entry of an order extending the time within which to effectuate service on John Doe Defendant, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).
2. On March 28, 2023, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference (“Motion for Leave”) in order to serve a third-party subpoena on Defendant’s ISP. ECF No. 3.
3. On March 28, 2023, the Court granted Plaintiff leave to serve a third-party subpoena on Defendant’s ISP to obtain the Defendant’s identifying information. ECF No. 4.
4. Plaintiff issued the subpoena on or about March 29, 2023, and received the ISP’s response on or about May 31, 2023.

5. Plaintiff is currently conducting a further investigation to confirm the identity of the true infringer.

6. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than June 14, 2023.

7. Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended for an additional sixty (60) days, to August 13, 2023. This extension should allow Plaintiff time to complete its further investigation, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), to amend the Complaint, and place the summons and Amended Complaint with the process server to attempt service of process.

8. This application is made in good faith and not for the purpose of undue delay.

9. This is Plaintiff's first request for an extension.

10. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until August 13, 2023. A proposed order is attached for the Court's convenience.

Dated: June 14, 2023

Respectfully submitted,

By: /s/ John C. Atkin
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to Local Civil Rule 5.1.2(8)(b), I certify that on the date set forth below, I caused a copy of this application and proposed order to be filed electronically and that they are available for viewing and downloading from the ECF system.

Dated: June 14, 2023

/s/ John C. Atkin
John C. Atkin, Esq. (326957)